

U.S. Department of the Interior
Bureau of Land Management
Little Snake Field Office
455 Emerson Street
Craig, CO 81625

DOCUMENTATION OF LAND USE PLAN CONFORMANCE AND NEPA ADEQUACY

NUMBER: DOI-BLM-CO-N010-2012-0025-DNA

CASE FILE/ALLOTMENT NUMBER: 0501053/04402

PROJECT NAME: Renewal of the grazing permit for Nathan and Jacqueline Mock on the Cedar Springs Draw Allotment #04402, Pasture 17.

LEGAL DESCRIPTION:

See map, Attachment 1

Cedar Springs Draw Allotment #04402, Pasture 17

T6N R96W Secs. 1 & 2
T7N R96W Secs. 25, 26, 35, & 36
T7N R95W Secs. 30 & 31

798 acres- BLM
996 acres- State Land Board
310 acres- Private
2,104 acres- TOTAL

APPLICANT: Nathan and Jacqueline Mock

A. Describe the Proposed Action

Renew the grazing permit for Nathan and Jacqueline Mock. This is a permit based on an exchange of use agreement. Under an exchange of use agreement, a permit is issued for the forage available on private and/or leased base property that is commingled with unfenced public land [43 CFR 4130.6-1(b)]. The permit would be reissued with an expiration date of October 15, 2021, concurrent with the expiration of the State Land Board lease #46452 offered in exchange. The new grazing permit would be subject to the Standard and Common Terms and Conditions shown in Attachment 2. The permit would be reissued with the same terms and conditions as the expiring permit which is as follows:

Allotment	Pasture	Livestock	Season of Use	% Public Land	Animal Unit Months (AUMs)
Cedar Springs Draw #04402	17	10 Horses	06/01 to 11/30	100	60

The above permit would be subject to the following Special Term and Condition:

Line one is for the exchange of use allowed in Pasture 17 of the Cedar Springs Draw Allotment #04402 for the state and private land leased and owned by the Mock Family. This exchange of use agreement includes providing water for the pasture when in use. This exchange of use permit cannot be transferred to any new operators and will remain in effect until the Mock Family loses control of the state lease or sells or fences the private land.

B. Land Use Plan (LUP) Conformance

Name of Plan: Little Snake Record of Decision and Resource Management Plan (RMP)

Date Approved: October 2011

Results: The Proposed Actions and all alternatives are consistent with the Little Snake Record of Decision and Resource Management Plan, Livestock Grazing Management goals to manage resources, vegetation, and watersheds to sustain a variety of uses, including livestock grazing, and to maintain the long-term health of the rangelands; provide for efficient management of livestock grazing allotments; and contribute to the stability and sustainability of the livestock industry.

Section/Page: 2.14 Livestock Grazing/RMP-41

C. Identify applicable NEPA documents and other related documents that cover the Proposed Action.

Rangeland Program Summary (RPS), Little Snake Resource Area, November 15, 1990

Standard and Common Terms and Conditions (See Attachment 2)

Federal Land Policy and Management Act, Section 402 as amended (43 USC 1752)
Rangeland Reform Final Environmental Impact Statement, December 1994

Colorado Public Land Health Standards, Decision Record & Finding of No Significant Impact and Environmental Assessment, March 1997

CO-100-LS-01-042, Renewal of the ten-year grazing permit for the Disappointment #04400, Cross Mountain #04307, Sawmill Canyon #04308, and Cedar Springs Draw #04402 Allotments (section 3) licensed to Cross Mountain Ranch

D. NEPA Adequacy Criteria

1. Is the current Proposed Action substantially the same action (or is a part of that action) as previously analyzed? Is the current Proposed Action located at a site specifically analyzed in an existing document?

The Cedar Springs Draw Allotment #04402 was analyzed in the Environmental Assessment, CO-100-LS-01-042, Renewal of the ten-year grazing permit for the Disappointment #04400, Cross Mountain #04307, Sawmill Canyon #04308, and Cedar Springs Draw #04402 Allotments (section 3) licensed to Cross Mountain Ranch. This EA analyzed the same terms and conditions as the current proposal.

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the current Proposed Action, given current environmental concerns, interests, and resource values?

Yes, the multiple use alternatives analyzed in the valid NEPA documents are still appropriate. The current environmental concerns, interests, and resource values are essentially the same as those in 2001. No new alternatives have been proposed by the public to address current or additional issues or concerns.

3. Is the existing analysis valid in light of any new information or circumstances?

The Proposed Action would have no disproportionate impacts on minority populations or low income communities per Executive Order (EO) 12898 and would not adversely impact migratory birds per EO 13186.

Resource conditions on Pasture 17 of the Cedar Springs Draw Allotment #04402 meet and exceed objectives and goals. The previous analysis remains valid. No new, threatened or endangered plant or animal species have been identified.

The proposed project areas were analyzed for lands with wilderness characteristics under WO-IM 2011-154, *Requirement to Conduct and Maintain Inventory Information for Wilderness Characteristics and to Consider Lands with Wilderness Characteristics in Land Use Plans*. An inventory of the area (Identifier CO-010-275, October 28, 2011) was conducted and based on this analysis, the proposed project areas are not subject to WO-IM 2011-154.

4. Do the methodology and analytical approach used in the existing NEPA document(s) continue to be appropriate for the current Proposed Action?

Yes, the methodology and analytical approach used in the existing NEPA documents continue to be appropriate for the Proposed Action. Impacts to all resources were analyzed.

5. Are the direct and indirect impacts of the current Proposed Action substantially unchanged from those identified in the existing NEPA document(s)? Does the existing NEPA document analyze site-specific impacts related to the current Proposed Action?

Direct and indirect impacts of the Proposed Action are unchanged from those identified in the existing NEPA documents. Impacts regarding the Proposed Action to authorize livestock grazing in Pasture 17 of the Cedar Springs Draw Allotment #04402 at the current grazing intensity and period of use remain the same. Monitoring data, including a pasture-specific analysis of resource conditions, assure that this pasture is in compliance with the Colorado Public Land Health Standards. No adverse site specific impacts were identified in this analysis (see Attachment 3).

The Proposed Action would provide for at least the minimum legal requirements for cultural resources management and protection and would generally result in benefits through cultural resource data acquisition resulting from required cultural resource survey work.

Previously identified sites and new sites recorded and evaluated as eligible and/or need data sites during a Class III survey will need to be monitored. Initial recordation of new sites and reevaluation of known sites will establish the current condition of the resource and help in developing a monitoring plan for all of these sites. Some sites will have to be monitored more often than others. Sites that are found to be impacted by grazing activities will need physical protection or other mitigative measures developed (see Attachment 4).

6. Can you conclude without additional analysis or information that the cumulative impacts that would result from implementation of the current Proposed Action substantially unchanged from those analyzed in the existing NEPA document(s)?

Yes. The cumulative impacts that would result from the implementation of the Proposed Action would remain unchanged from those identified in the existing NEPA documents. No additional activities have been implemented in Pasture 17 that would change the impacts resulting from the Proposed Action.

7. Are the public involvement and interagency review associated with existing NEPA document(s) adequately for the current Proposed Action?

Yes. Extensive public outreach through scoping and involvement of the public and other agencies occurred during the 2001 EA analysis and development of the 2011 RMP.

E. Interdisciplinary Analysis: Identify those team members conducting or participating in the preparation of this worksheet.

Title	Resource	Date
Ecologist	Air Quality, Floodplains Prime/Unique Farmlands, Water Quality – Surface, Wetlands/Riparian Zones	1/17/12
Archaeologist	Cultural Resources, Native American Concerns	1/30/12
Realty Specialist	Environmental Justice	1/17/12
Natural Resource Specialist	Hazardous Materials	1/26/12
Rangeland Management Specialist	Invasive Non-native Species	1/23/12
Rangeland Management Specialist	Sensitive Plants, T&E Plant	1/20/12
Wildlife Biologist	T&E Animal	1/23/12
Petroleum Geologist	Water Quality – Ground	1/18/12
Recreation Specialist	WSA, W&S Rivers	1/19/12
Wildlife Biologist	Animal Communities	1/23/12
Rangeland Management Specialist	Plant	1/20/12
Wildlife Biologist	T&E Animal	1/23/12
Ecologist	Water Quality, Upland Soils, Riparian Systems	1/17/12

Land Health Assessment

This action has been reviewed for conformance with the BLM's Public Land Health Standards adopted February 12, 1997. This action would not adversely affect achievement of the Public Land Health Standards (see Attachment 3). A standard assessment was conducted on August 8, 2005 by a Wildlife Biologist and a Rangeland Management Specialist.

Conclusion

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of NEPA.

Signature of Lead Specialist /s/ Mark Lowrey Date 02/01/12

Signature of NEPA Coordinator /s/ Barbara Sterling Date 02/06/12

Signature of the Authorizing Official /s/ Matt Anderson Date 02/07/12
for Wendy Reynolds, Field Manager

Note: The signed Conclusion on this document is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision.

ATTACHMENT 2
DOI-BLM-CO-N010-2012-0025-DNA
TERMS AND CONDITIONS

Standard Terms and Conditions

- 1) Grazing permit or lease terms and conditions and the fees charged for grazing use are established in accordance with the provisions of the grazing regulations now or hereafter approved by the Secretary of the Interior.
- 2) They are subject to cancellation, in whole or in part, at any time because of:
 - a. Noncompliance by the permittee/lessee with rules and regulations;
 - b. Loss of control by the permittee/lessee of all or a part of the property upon which it is based;
 - c. A transfer of grazing preference by the permittee/lessee to another party;
 - d. A decrease in the lands administered by the Bureau of Land Management within the allotment(s) described;
 - e. Repeated willful unauthorized grazing use;
 - f. Loss of qualifications to hold a permit or lease.
- 3) They are subject to the terms and conditions of allotment management plans if such plans have been prepared. Allotment management plans **MUST** be incorporated in permits and leases when completed.
- 4) Those holding permits or leases **MUST** own or control and be responsible for the management of livestock authorized to graze.
- 5) The authorized officer may require counting and/or additional or special marking or tagging of the livestock authorized to graze.
- 6) The permittee's/lessee's grazing case file is available for public inspection as required by the Freedom of Information Act.
- 7) Grazing permits or leases are subject to the nondiscrimination clauses set forth in Executive Order 11246 of September 24, 1964, as amended. A copy of this order may be obtained from the authorized officer.
- 8) Livestock grazing use that is different from that authorized by a permit or lease **MUST** be applied for prior to the grazing period and **MUST** be filed with and approved by the authorized officer before grazing use can be made.
- 9) Billing notices are issued which specify fees due. Billing notices, when paid, become a part of the grazing permit or lease. Grazing use cannot be authorized during any period of delinquency in the payment of amounts due, including settlement for unauthorized use.

- 10) Grazing fee payments are due on the date specified on the billing notice and MUST be paid in full within 15 days of the due date, except as otherwise provided in the grazing permit or lease. If payment is not made within that time frame, a late fee (the greater of \$25 or 10 percent of the amount owed but not more than \$250) will be assessed.
- 11) No member of, or Delegate to, Congress or Resident Commissioner, after his/her election of appointment, or either before or after he/she has qualified, and during his/her continuance in office, and no officer, agent, or employee of the Department of Interior, other than members of Advisory committees appointed in accordance with the Federal Advisory Committee Act (5 U.S.C. App. 1) and Sections 309 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) shall be admitted to any share or part in a permit or lease, or derive any benefit to arise therefrom; and the provision of Section 3741 Revised Statute (41 U.S.C. 22), 18 U.S.C. Sections 431-433, and 43 CFR Part 7, enter into and form a part of a grazing permit or lease, so far as the same may be applicable.

Common Terms and Conditions

- A) Grazing use will not be authorized in excess of the amount of specified grazing use (AUM number) for each allotment. Numbers of livestock annually authorized in the allotment(s) may be more or less than the number listed on the permit/lease within the grazing use periods as long as the amount of specified grazing use is not exceeded.
- B) Unless there is a specific term and condition addressing utilization, the intensity of grazing use will insure that no more than 50% of the key grass species and 40% of the key browse species current years growth, by weight, is utilized at the end of the grazing season for winter allotments and the end of the growing season for allotments used during the growing season. Application of this terms needs to recognize recurring livestock management that includes opportunity for regrowth, opportunity for spring growth prior to grazing, or growing season deferment.
- C) Failure to maintain range improvements to BLM standards in accordance with signed cooperative agreements and/or range improvement permits may result in the suspension of the annual grazing authorization, cancellation of the cooperative agreement or range improvement permit, and/or the eventual cancellation of this permit/lease.
- D) Salt and/or mineral supplements shall be place at least on-quarter mile from water sources or in such a manner as to promote even livestock distribution within the allotment or pasture.

- E) Pursuant to 43 CFR 10.4(g), the holder of this authorization must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), you must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.

The operator is responsible for informing all persons who are associated with the allotment operations that they will be subject to prosecution for knowingly disturbing historic or archaeological sites, or for collecting artifacts. If historic or archaeological materials are encountered or uncovered during any allotment activities or grazing activities, the operator is to immediately stop activities in the immediate vicinity and immediately contact the authorized officer. Within five working days the authorized officer will inform the operator as to:

- whether the materials appear eligible for the National Register of Historic Places;
- the mitigation measures the operator will likely have to undertake before the identified area can be used for grazing activities again.

If paleontological materials (fossils) are uncovered during allotment activities, the operator is to immediately stop activities that might further disturb such materials and contact the authorized officer. The operator and the authorized officer will consult and determine the best options for avoiding or mitigating paleontological site damage.

- F) No hazardous materials/hazardous or solid waste/trash shall be disposed of on public lands. If a release does occur, it shall immediately be reported to this office at (970) 826-5000.
- G) The permittee/lessee shall provide reasonable administrative access across private and leased lands to the BLM and its agents for the orderly management and protection of public lands.
- H) Application of a chemical or release of pathogens or insects on public lands must be approved by the authorized officer.
- I) The terms and conditions of this permit may be modified if additional information indicates that revision is necessary to conform with 43 CFR 4180.

ATTACHMENT 3
DOI-BLM-CO-N010-2012-0025-DNA
Standards and Assessments*
Cedar Springs Draw Allotment #04402, Pasture 17

STANDARD 1. Upland soils exhibit infiltration and permeability rates that are appropriate to soil type, climate, land form, and geologic processes. Adequate soil infiltration and permeability allows for the accumulation of soil moisture necessary for optimal plant growth and vigor, and minimizes surface runoff.

Continued livestock grazing, as specified in the Proposed Action, would meet the upland soil standard for healthy public lands. Soils within Pasture 17 of the Cedar Springs Draw Allotment #04402 are primarily sandy in nature and exhibit good infiltration and percolation rates. Some soil movement and very slight pedestalling was present at the time of the land health evaluation but the overall soil surface characteristics rating were stable. A diverse community of desirable plant species is present, having a variety of root depths, cover, and a satisfactory plant structure to prevent accelerated erosion from wind and/or water.

STANDARD 2. Riparian systems associated with both running and standing water functions properly and has the ability to recover from major disturbances such as fire, severe grazing, or 100-year floods. Riparian vegetation captures sediment and provides forage, habitat, and biodiversity. Water quality is improved or maintained. Stable soils store and release water slowly.

There are no riparian resources in this pasture. This standard does not apply.

STANDARD 3. Healthy, productive plant and animal communities of native and other desirable species are maintained at viable population levels commensurate with the species and habitat potential. Plants and animals at both the community and population levels are productive, resilient, diverse, vigorous, and able to reproduce and sustain natural fluctuations and ecological processes.

The vegetation on this allotment consists of a bitterbrush-sagebrush-grass community. The vegetative community has very high vigor and provides excellent habitat for wildlife sufficient to sustain recruitment and mortality fluctuations. All indicators of this standard are present and meet land health standards. The Proposed Action would meet this standard.

Public lands within this allotment provide productive wildlife habitat for a variety of big game, small mammal, raptor and songbird species. The proposed action will not have a negative impact on the habitats of these species. This standard is currently being met and will continue to be met in the future under the Proposed Action.

STANDARD 4. Special status, threatened, and endangered species (federal and state), and other plants and animals officially designated by BLM, and their habitats are maintained or enhanced by sustaining healthy native plant and animal communities.

There are no threatened or endangered plant species or habitat for such species present in this allotment. This standard is being met.

The allotment provides general winter habitat for the bald eagle, listed as threatened under the Endangered Species Act. Bald eagles are known to winter along portions of the Little Snake and Yampa Rivers, using adjacent upland habitat as scavenging areas primarily for winter or vehicle killed mule deer and elk. Bald eagles may occasionally frequent this allotment while opportunistically feeding on carrion. The allotment is currently in excellent condition, providing suitable winter habitat for bald eagles. The Proposed Action would have 'no effect' to bald eagles or their habitat. Renewing the grazing permit would not impact bald eagle's ability to feed on carrion in upland habitats and the grazing season of use would not overlap the season of use by bald eagles.

The allotment also provides habitat for the greater sage grouse, a BLM sensitive species. The allotment is currently in excellent condition, providing suitable and productive habitat for this species. This standard is currently being met and will continue to be met with the Proposed Action.

STANDARD 5. The water quality of all water bodies, including ground water where applicable, located on or influenced by BLM lands will achieve or exceed the Water Quality Standards established by the State of Colorado. Water Quality Standards for surface and ground waters include the designated beneficial uses, numeric criteria, narrative criteria, and anti-degradation requirement set forth under State law as found in 5 CCR 1002-8, as required by Section 303 of the Clean Water Act.

The Proposed Action would meet the water quality standard for healthy public lands. Overholt Draw, an ephemeral tributary to the Yampa River carries runoff water from the pasture. Runoff from snowmelt and summer storms flow from the allotment into the Yampa River, which has water quality that presently supports the classified beneficial uses.

*Standards assessment conducted on August 8, 2005 by a Rangeland Management Specialist and a Wildlife Biologist.

ATTACHMENT 4
DOI-BLM-CO-N010-2012-0025-DNA
Cultural Resources and Native American Concerns - Heritage Rpt. #10.20.2012, Pasture 17

Affected Environment: Grazing authorization renewals are undertakings under Section 106 of the National Historic Preservation Act. Range Improvements associated with the allotment (e.g. fences, spring improvements) are subject to compliance requirement under Section 106 and will undergo standard cultural resources inventory and evaluation procedures. During Section 106 review, a cultural resource assessment was completed for the Cedar Springs Draw Allotment #04402 Pasture 17 on January 30, 2012 by Gary Collins, Little Snake Field Office Archaeologist. This assessment was also reviewed by Ethan Morton Little Snake Field Office Archaeologist. The assessment followed the procedures and guidance outlined by the State Director of the Colorado Bureau of Land Management in Instructional Memorandums IM-WO-99-039, IM-CO-99-007, IM-CO-99-019, and IM CO-20002-29. The results of the assessment are summarized below. Copies of the cultural resource assessment are on file at the Little Snake Field Office.

The prehistoric and historic cultural context for northwestern Colorado has been described in several recent regional contexts. Reed and Metcalf's (1999) context for the Northern Colorado River Basin is applicable for the prehistoric context and historical contexts include overviews compiled by Frederic J. Athearn (1982) and Michael B. Husband (1984). A historical archaeology context has also been prepared for the state of Colorado by Church and others (2007). In addition, an overview of significant cultural resources on BLM-LSFO administered lands has been compiled by McDonald and Metcalf (2006).

Data developed here was taken from the cultural program project report files, site report files, and atlases kept at the Little Snake Field Office. Electronic files were also accessed at the Colorado Office of Archaeology and Historic Preservation through the on-line Compass database system. General Land Office (GLO) plat maps, patent records, and USGS 1:24,000 scale topographical maps were also reviewed for potential undocumented historic resources.

The table below is based on an analysis developed for the specific allotment in this DNA. The table shows known cultural resources, eligible and need data, and those that are anticipated to be in each allotment.

Allotment Number (BLM acres)	Acres Surveyed at a Class III Level	Acres NOT Surveyed at a Class III Level	Percent of Allotment Inventoried at a Class III Level	Eligible or Need Data Sites- Known in Allotment	Estimated Sites for the Allotment *(total number)	Estimated Eligible or Need Data Sites in the Allotment (number)
04402 (798)	240	558	30%	0	27	7

(Note *Estimates of site densities are based on known inventory data. Estimates should be accepted as baseline figures which may be revised upwards or downwards based on future inventory findings.)

Five cultural resource studies have been conducted within the Cedar Springs Draw, Pasture 17 resulting in the inventory of 240 acres at a Class III level. These studies resulted in the discovery

of one prehistoric isolated find. This isolate is recommended not eligible for the National Register. The Lily Park to Maybell wagon road as depicted on the 1907 GLO plats appears to follow the northeastern boundary of Cedar Springs Draw Pasture 17 allotment. The road proceeded west from Maybell, Colorado through sections 32, 31, and 30 in Township 7 North, Range 95 West. The road then enters Township 7 North, Range 96 West passing through section 25. Modern day state highway 318 follows the approximate route of the Lily Park to Maybell wagon road and forms the grazing allotment boundary. The Cross Mountain Ditch is also depicted on the 1907 GLO plat crossing section 25 about 250 feet north of the Lily Park to Maybell wagon road and Cedar Springs Draw Pasture 17 boundary. None of these resources are depicted on BLM administer land within Pasture 17. Based on the available data (site density in the region) there are approximately 26 cultural resources on BLM administered land within allotment #04402. It is likely that approximately 6 of these resources will be eligible for the National Register. Subsequent cultural resource inventory will be conducted in areas where livestock concentrate within ten years of issuance of a permit. This subsequent inventory will consist of approximately 91 acres. If archaeological or historic sites potentially eligible for the National Register are identified during the subsequent field inventory, and BLM determines that grazing activities are adversely impacting the properties, mitigation will be identified and implemented in consultation with the Colorado State Historic Preservation Officer.

Environmental Consequences, Proposed Action: The direct impacts that occur where livestock concentrate, during normal livestock grazing activity, include trampling, chiseling, and churning of site soils, cultural features, and cultural artifacts, artifact breakage, and impacts from standing, leaning, and rubbing against historic structures, above-ground cultural features, and rock art (Broadhead 2001, Osbourn et al. 1987). Indirect impacts include soil erosion, gullyng, and increased potential for unlawful collection of artifacts and vandalism. Continued livestock use in these concentration areas may cause substantial ground disturbance and cause irreversible adverse effects to historic properties. Placement of mineral supplements which can create concentration areas, would potentially impact historic properties if they are in proximity of the placement.

Continued livestock management under the proposed action is appropriate, as long as new discovery's of cultural resources are properly mitigated if grazing impacts are occurring. If archaeological or historic sites potentially eligible for the National Register are identified during the subsequent field inventory, BLM will field visit these properties and assess the livestock grazing impacts. Any mitigation will be identified and implemented in consultation with the Colorado State Historic Preservation Officer. The livestock impacts will be assessed within the term of the permit.

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NATIVE AMERICAN RELIGIOUS CONCERNS

Letters will be sent to the Uinta and Ouray Tribal Council, Southern Ute Tribal Council, Ute Mountain Utes Tribal Council, Shoshone Tribal Historic Preservation Officer, and the Colorado Commission of Indian Affairs in the spring of 2012 discussing upcoming projects including range permit renewals the BLM will be working on in FY12. Letters will be followed up with phone calls. If new information is provided by Native Americans, additional or edited terms and conditions for mitigation may have to be negotiated or enforced to protect resource values